

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**DIVISION OF CODES AND STANDARDS**  
1800 THIRD STREET, SUITE 260, P.O. BOX 1407  
SACRAMENTO, CALIFORNIA 95812-1407  
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[www.hcd.ca.gov](http://www.hcd.ca.gov)



**TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**(MOBILEHOME PARKS AND SPECIAL OCCUPANCY PARKS)**

**NOTICE IS HEREBY GIVEN** that the California Department of Housing and Community Development (HCD), proposes to amend existing regulations and adopt new regulations governing Mobilehome Parks and Special Occupancy Parks.

**PUBLIC HEARING**

A public hearing has been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all testimony is completed, and will be held as follows:

Monday, May 23, 2005  
HCD (Headquarters)  
1800 3<sup>rd</sup> Street, Room 183/185  
Sacramento, CA 95814  
10:00 a.m.

Pre-hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their testimony. The time allowed for each person to present oral testimony may be limited if a substantial number of people wish to speak.

Individuals presenting oral testimony are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral testimony.

**SUBMISSION OF WRITTEN COMMENTS**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on May 23, 2005 in order to be considered. Written comments may be submitted by mail, e-mail, or as follows:

By mail to: Department of Housing and Community Development  
Division of Codes and Standards  
P. O. Box 1407  
Sacramento, CA 95812-1407  
ATTN: Mobilehome and Special Occupancy Parks Programs

By e-mail to: [parksregs@hcd.ca.gov](mailto:parksregs@hcd.ca.gov)

By facsimile to: (916) 327-4712 ATTN: Bradley Harward

**PERMANENT ADOPTION OF REGULATIONS**

Following the public comment period, HCD may adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15 days prior to its adoption from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

## **AUTHORITY AND REFERENCE**

Health and Safety Code section 18300 grants HCD the authority to adopt regulations governing mobilehome parks and Health and Safety Code section 18865 grants HCD the authority to adopt regulations governing special occupancy parks. These regulations implement and interpret Health and Safety Code sections 18200 through 18700 (Mobilehome Parks Act) and 18860 through 18874 (Special Occupancy Parks Act). The actual text of these statutes is available on the Department's website and at: <http://www.leginfo.ca.gov>

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

### **Summary of Existing Laws**

The Mobilehome Parks Act (MPA) contained in the Health and Safety Code (HSC) commencing with section 18200 and the Special Occupancy Parks Act (SOPA) commencing with HSC section 18860 were enacted for the benefit of mobilehome and special occupancy park operators, residents and users to assure their health, safety and general welfare, to provide them a decent living environment, and to protect their investments in their manufactured homes, mobilehomes, multi-unit manufactured housing (MH-unit), and recreational vehicles.

### **Summary of Existing Regulations**

The Mobilehome and Special Occupancy Parks Programs within HCD's Codes and Standards Division develop, administer and enforce uniform statewide standards which assure owners, operators, residents, and users of mobilehome and special occupancy parks, protection from risks to their health and safety.

### **Summary of Effect of Proposed Regulatory Action**

The purpose of these changes is to update the existing regulations for mobilehome parks and special occupancy parks, comply with the legislative mandate to require permits and create a new approval process for the creation, alteration, movement, or shifting of lot lines within a park, and to address issues and concerns that have been presented by the general public and HCD staff.

The amendments require an applicant proposing to create or change a lot line in a park to obtain a permit from the enforcement agency. (The proposed permit fee is consistent with all other fees currently contained in the regulations.) Additionally, the proposed amendments include: additional definitions, clarification of permit requirements for grading, installation of factory-built housing in mobilehome parks, park electrical system considerations and water pressure testing issues.

The proposed amendments also incorporate changes to enhance the clarity of the following issues: roadway widths for parks constructed prior to September 15, 1961, the location of LPG tanks, the applicability of Article 7 of Chapter 2 to commercial modulars, the distinction between MH-unit separations vs. setbacks, the enclosing of required exits on MH-units, and stairway requirements.

The proposed amendments also provide less restrictive requirements for the following issues: energy requirements for cabanas, firewall locations for garages and storage buildings, the weight of awnings attached to MH-units, allowance of wooden posts on a lot line, and stairway widths on carport sides.

Those sections within Title 25, California Code of Regulations affected by this rulemaking, and the specific purpose for each adoption or amendment contained in these proposed regulations, is set forth in the Initial Statement of Reasons for this regulatory action. Non-regulatory amendments for grammatical/technical reasons have also been made throughout the amended chapters.

## **SECTIONS AFFECTED:**

Following are the specific sections of Chapter 2 and Chapter 2.2 affected by this proposed action:

Amend Chapter 2 Sections 1002, 1004, 1018, 1020.4, 1104, 1106, 1110, 1112, 1120, 1134, 1152, 1183, 1185, 1212, 1319, 1320, 1330, 1352, 1428, 1429, 1443, 1464, 1468, 1498, and 1514.

Adopt Chapter 2 Sections 1019, 1105 and 1276.

Amend Chapter 2.2 Sections 2002, 2004, 2018, 2020.4, 2104, 2106, 2108, 2110, 2112, 2120, 2126, 2134, 2152, 2183, 2185, 2212, 2226, 2319, 2428, 2429, and 2498.

Adopt Chapter 2.2 Sections 2105 and 2276.

**POLICY STATEMENT OVERVIEW:**

The Mobilehome and Special Occupancy Parks Programs within HCD are responsible for adopting and enforcing preemptive state regulations for the construction, use, maintenance, and occupancy of privately owned mobilehome and special occupancy parks within California.

Furthermore, recent legislation (Ch. 815, Stats. 2003) requires implementing permit requirements for lot line creation or changes within mobilehome and special occupancy parks.

HCD is proposing to adopt and amend regulations relating to both the Mobilehome Parks Act and Special Occupancy Parks Act.

**SMALL BUSINESS IMPACT STATEMENT**

**SMALL BUSINESSES** are affected by these regulations. A minimal permit fee is required of park owners and operators who wish to create or change lot lines. The requirement for a permit to create or change a lot line is mandated by the legislature through Health and Safety Code sections 18610.5 and 18872.1 (Ch 815, Stats of 2003). Currently, local planning department approval is required to create or change a lot line in a park. Many local government planning departments require Zoning Board meetings for this approval and charge a fee, often in excess of \$1,000, for the meeting. Obtaining a permit will add a known minimal fee and consistency to the process.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

**BUSINESS IMPACTS**

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The cost of a permit for the creation or change in a lot line in a mobilehome or special occupancy park is minimal, is mandated by recent legislation (Ch 815, Stats of 2003), and in many instances represents a significant cost savings to affected individuals. Currently the local planning department in the jurisdiction of the park must approve lot line changes regardless of the enforcement agency for the park. Additionally, planning and zoning meetings are often required with the costs of the meetings paid by the park operator. HCD's implementation of a standard process and the standard fee currently utilized throughout the regulations will provide guidelines and a consistent fee for this service throughout the state.

HCD is not aware of any other cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the remaining proposed actions. The additional proposed amendments serve only to clarify existing requirements.

## **ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION**

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

## **CONSIDERATION OF ALTERNATIVES**

HCD must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **AVAILABILITY OF DOCUMENTS AND CONTACT PERSON(S)**

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

Department of Housing and Community Development  
Division of Codes and Standards  
1800 Third Street, Room 260  
Sacramento, CA 95814  
Fax (916) 327-4712

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the Department's website at the following address:

<http://www.hcd.ca.gov/codes/mp>

Questions regarding the regulatory process may be directed to:

Dee Benbow, Staff Services Analyst  
Telephone Number: (916) 327-2801/ Fax (916) 327-4712  
E-mail: [dbenbow@hcd.ca.gov](mailto:dbenbow@hcd.ca.gov)

Clarification regarding the substance of this regulatory proposal may be directed to:

Bradley Harward, Mobilehome & Special Occupancy Parks Program Manager  
Telephone Number: (916) 324-4907/ Fax (916) 327-4712  
E-mail: [bharward@hcd.ca.gov](mailto:bharward@hcd.ca.gov)

Written comments may be submitted by any of the following methods:

By mail to: Department of Housing and Community Development  
Division of Codes and Standards  
P. O. Box 1407  
Sacramento, CA 95812-1407  
ATTN: Mobilehome and Special Occupancy Parks Programs

By e-mail to: [parksregs@hcd.ca.gov](mailto:parksregs@hcd.ca.gov)

By facsimile to: (916) 327-4712      ATTN: Bradley Harward